

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Jessica M. Brown,

Case No. 2:24-cv-00471-JAD-DJA

5 Plaintiff

6 v.

Order Dismissing Case

7 AMA/NYAG for Walmart LLC,

ECF No. 27

8 Defendant

9 Florence McClure Women’s Correctional Center inmate, Plaintiff Jessica M. Brown,
10 filed this lawsuit over a 2016 incident at a Walmart store. The court screened her complaint and
11 dismissed her claims with leave to amend based on a host of deficiencies.¹ Brown hasn’t
12 submitted an amended complaint, so she has no claims pending. On June 12, 2024, she filed a
13 request for “a letter of dismissal on” this case.² She says that she “will bring these matters up in
14 criminal court and need[s] to make fully sure this case is closed”³ I construe this filing as a
15 motion for voluntary dismissal of this action without prejudice and grant it.

16 Brown also notes in this dismissal request that she has attached a current IFP application
17 “to ensure no financial mishapps [sic] are taken again. . . .”⁴ The court granted Brown’s
18 application to proceed *in forma pauperis* (IFP), so no additional applications are needed.⁵ And
19 while the court doesn’t know what she means by mishaps, it does want to ensure that Brown

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21 ¹ ECF No. 15.

22 ² ECF No. 27.

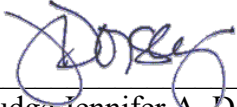
23 ³ *Id.* at 1.

⁴ *Id.*

⁵ *Id.* at 5.

1 understands what it means that she has been granted IFP status. IFP status is beneficial to pro se
2 litigants because it effectively puts them on a payment plan for the court's filing fee instead of
3 requiring payment in full up front. IFP status does not relieve the plaintiff of the obligation to
4 pay the filing fee, it just means that she can do so in monthly payments that will be deducted
5 from her inmate account when she has funds available. Those payments will be deducted until
6 the full \$350 filing fee is collected from her. The fee becomes due and owing when a case is
7 first filed, so a plaintiff can't avoid the fee by later dismissing the case; the filing fee remains due
8 and owing despite dismissal—and will continue to be collected from the inmate's account until
9 it's been paid in full.⁶

10 **IT IS THEREFORE ORDERED that Brown's request to dismiss this case [ECF No.**
11 **27] is GRANTED. This case is dismissed without prejudice, and the Clerk of Court is**
12 **directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.**

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16 U.S. District Judge Jennifer A. Dorsey
17 June 12, 2024
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23 ⁶ See ECF No. 15 at 5 (ordering that “even if this action is dismissed, or is otherwise
unsuccessful, the full filing fee will still be due, pursuant to 28 U.S.C. § 1915, as amended by the
Prison Litigation Reform Act”).